

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Allegation of corruption against Sri G. Audiseshaiah, Senior Accountant O/o. Dist Treasury Office, Nellore – Trapped by the A.C.B. on 11-1-2005 – Cancellation of Withdrawal of the prosecution Orders - Orders – Issued.

FINANCE (ADMN-III) DEPARTMENT

G.O.Ms.No. 157

Dated:06 -5-2010

Read the following:-

1. G.O.Ms.No.187, Finance (Admn.III) Dept. dated 26-7-2005.
2. Representation of Sri G. Audiseshaiah, Sr. Accountant, O/o. District Treasury, Nellore (u/s), dt. 1-4-2005 received through C.M.P.No.10523/CMP/2005, dt. 1-9-2005.
3. G.O.Ms.No.417, Finance (Admn.III) Dept. dated 25-11-2005.
4. Lr.Rc.No.6/RCT-NNL/2005, dt. 20-9-2006 from the Director General, ACB, Hyderabad along with a copy of the order dt. 11-8-2006 of the Spl. Judge for SPE & ACB Cases, Nellore passed in CrI. M.P.NO.515 of 2006 in C.C.No.26 of 2005.
5. Govt. Memo.No.1764-B/390/A1/Admn.III/2005, dt.19-2-2008 Finance (Admn.III) Department.
6. Lr.R.No.6/RCT-NNL/2005, dt. 24-3-2008 from the Director General, ACB, Hyderabad.
7. G.O.Ms.No.268, Finance (Admn.III) Dept., dt. 12-9-2008.
8. Lr. Rc.No. 6/RCT-NNL/2005, dt. 30-12-2008 from the Director General, ACB, Hyderabad.

ORDER:

In the G.O. 1st read above, Govt. have issued Sanction orders to prosecute Sri G. Audiseshaiah, Sr. Accountant, O/o. District Treasury Office, Nellore on the allegations of corruption in a Trap case and as per the final report of ACB in the said case.

2. In the reference 2nd cited, Sri G. Audiseshaiah, Sr. Accountant has represented that on 27-12-2004, one Ramachandra Singh, Senior Assistant of Quality Control Sub-Divisional (R&B) Department, Nellore has presented an incremental arrear Bill pertaining to Sri T.P. Kumar Ratna, A.E.E. Quality Control Sub-Division, Nellore in the District Treasury Office, Nellore and a token number was assigned to the said Bill on 28-12-2004. On 28-12-2004 the messenger Ramachandra Singh came to his office and insisted him to check the Bill and put up for pass order and send the bill to the Bank for payment as he was entrusted to do so by T.P. Kumar Ratna, Assistant Executive Engineer, Quality Control Sub-division (R&B) for which he said that it takes one day time for him to audit the Bill and to put up the same for pass order. On that the messenger lost his temper and threatened him with dire consequences. Subsequently, he never turned up to his office. He also stated that the allegations made by Sri T.P. Kumara Ratna, A.E.E., that on 28-12-2004 he demanded him to pay bribe for passing the said bill is false. He audited the said bill on 29-12-2004 and sent it to the S.T.O. for scrutiny. Thereafter, the bill was passed for payment on 1-1-2005 and sent to the State Bank of India, Nellore for payment. He has stated that the annexures enclosed to the bill were with the S.T.O. concerned as he had nothing to do with them, when once the bill is passed for payment and sent to the Bank.

3. He has also stated that on 11-1-2005 at about 3.00 p.m. he happened to go to Millennium Café to take tea. Sri T.P. Kumara Ratna, the complainant herein came to the said café a few minutes later and sat in a chair on his right side. While he was about to leave the hotel after taking tea, the complainant tried to put some 100 rupee currency notes in his shirt pocket and when he tried to resist his act with his hands the key of his vehicle fell down and when he was trying to pick out the said key he bending down, the complainant forcible inserted the said currency notes in his right pant pocket. Within a few seconds thereafter the ACB officials arrived there and detained him. Mr. Manikyam, the tea master of the stall is the eye witness to the said incident and he furnished the affidavit given by him. He also stated that he never demanded the complainant herein for

any bribe and that he gave the said complaint against him to the ACB officials with a view to wreck vengeance against him as he could not act according to the directions of the messenger and did not arrange for payment of the bill presented on 27-12-2004 immediately on the next day and requested to consider and issue orders to drop further action against him as the complaint is a concocted one foisted against him for not obliging his request to pass the bill for payment on 28-12-2004 and send to the bank for payment and requested that he may be absolved to the charges.

4. Basing on the said representation of the individual, in the G.O. third read above, Government have cancelled the orders issued in the G.O.1st read above and the A.O. was placed on his defence before the Tribunal for Disciplinary Proceedings instead of Prosecution and also departmental action.

5. The Director General, ACB, Hyderabad in his letter 4th cited has stated that the L.A.-cum-Special Public Prosecutor, ACB, Nellore has filed a petition u/s.321 Cr.P.C. in the Special Court for ACB Case, Nellore for withdrawal of prosecution against the Accused Officer, Sri G. Audisheshaiah, Sr. Accountant, O/o. District Treasury Officer, Nellore. The Special Judge for SPE & ACB Cases, Nellore has dismissed the said petition on 11-8-2006 and directed the prosecution to proceed with the trial of the case against the Accused Officer vide an order in CrI.M.P.No.515/2006 and this case is pending trial in the Special Court Vide C.C.No.26/2005.

6. In the Government Memo 5th read above the Director General, ACB, Hyderabad has been requested to file a suitable petition, before the ACB Special Court, Nellore on cogent grounds for withdrawal of prosecution as orders by the Government.

7. In the reference 6th read above, the Director General, ACB, Hyderabad has stated that there are no grounds to prefer any revision against the orders of the Court for SPE & ACB Cases, Nellore and also it is not permissible under the provisions of the Criminal Procedure Code to file another petition in the same Court for withdrawal of prosecution.

8. Government vide G.O. 7th read above have issued orders again withdrawing the prosecution against the Accused Officer and the D.G., ACB was requested to instruct the Public Prosecutor concerned to file a petition under Sec.321 Cr.P.C. for withdrawal of prosecution against Sri G. Audisheshaiah, Sr. Accountant.

9. In the reference 8th read above, the Director General, ACB has furnished the copy of the legal opinion stating that the ground mentioned in the G.O. 7th read above is not sufficient to file a Memo. u/s.321 Cr.P.C. in the Special Court for ACB Cases, Nellore to withdraw the case against the Accused Officer Sri G. Audisheshaiah, Sr. Accountant.

10. Government after careful examination of the matter, decided to cancel the orders issued in G.O. 3rd and 7th read above wherein the prosecution orders issued in G.O. 1st read above have been cancelled, by upholding the prosecution orders issued in G.O. 1st read above against Sri G. Audisheshaiah, Sr. Accountant, O/o. Dist. Treasury Office, Nellore. Accordingly, the orders issued in G.O.Ms.No.417, finance (admn.Iii) Dept., dt. 25-11-2005 and orders issued in G.O.Ms.No.268, Finance (Admn.III) Dept., dt. 12-9-2008 are hereby cancelled.

11. The Director General, ACB, Hyderabad is permitted to proceed with the prosecution in C.C. No. 26/2005 before the Special Judge for SPE and ACB Cases, Nellore against Sri G. Audisheshaiah, Sr. Accountant, O/o. Dist. Treasury Office, Nellore.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(L.V. SUBRAHMANYAM)
PRL. SECRETARY TO GOVERNMENT (FP)

To
The Director General, A.C.B., Hyderabad
Copy to: The Public Prosecutor,
LA-Special P.P., ACB, Nellore
Law Department.
A.P. Vigilance Commission.